IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

-

WRIT PETITION NO : 5765 of 1999

Between:

C. Balakrishna S/o late Sri Gurappa
R/o 220, Bestha Street,
Tirupathi

... PETITIONER

AND

1 Tirupathi Urban Development Authority rep. By its

Vice Chairman, Tirupathi, Chittor District.

2 The planning Officer, Tirupathi Urban Development

Authority, Tirupathi, Chittor District.

3 The District Collector,
Chittoor
4 District Revenue Officer, Tirupathi (Urban)
Tirupathi, Chittoor District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ, Direction, Order or preferably in the nature of Writ of Certiorari calling of records relating to impugned proceedings No.Roc.No.2324/G1/98, dated 2.1.1999 on the file of the first respondent and quash the same with consequential directions to respondents 1 and 2 herein to approve the lay out submitted by the petitioner on 12.1.1989 in accordance with the Rules and pass such other order or orders as this Hon'ble Court deems fit in the circumstances of the case.

Counsel for the Petitioner : MR.G.Ramachandra Rao

Counsel for the Respondents: K.Bathi Reddy (G.P for Assignment)

The Court made the following:

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ORDER:

Petitioner, who was assigned Ac.5.30 cents of land under normal DKT rules, filed an application before the Tirupathi Urban Development Authorities (for short "TUDA") seeking permission to convert the said land into house sites and sought for approval. The TUDA authorities rejected the application holding that transfer of DKT lands would be in contravention of conditions of assignment. Aggrieved by the said proceedings, petitioner filed W.P.No.4176 of 1989, which was disposed of by the order dated 26.3.1997 directing the Collector to make an enquiry as to whether the land, by operation of law or any other regulation, has been reserved for any non-agricultural purpose and as to whether it has become impossible to cultivate the land for being used for agricultural purpose, and directed the authorities of TUDA to take necessary action after receipt of information from the Collector.

2. In pursuance of the directions given by this Court, the District Revenue Officer, Chittor made an inspection of the lands and reported that the lands are under effective cultivation and there is no slightest inconvenience for the petitioner for carrying on agricultural operations over the land and the petitioner has willfully stopped cultivation of the said land. Therefore, the Vice Chairman, TUDA, after receipt of information from the Collector, issued an endorsement to the petitioner rejecting his application and the same was communicated to the petitioner.

Questioning the said communication, petitioner filed this petition.

3. Since the petitioner seems to have stopped cultivation willfully and deliberately and since the land is an assigned land, refusal of the request of the petitioner to convert the land, assigned to him for cultivation, as house plots and to alienate them to third parties cannot be said to be a violation of any of the fundamental rights of the petitioner.

4. Hence the petitioner is not entitled to any relief. The writ petition is dismissed. No costs.

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C.Y.SOMAYAJULU, J

Dated: 11.3.2005

RAR

To

1 The Vice Chairman, Tirupathi Urban Development Authority

Tirupathi, Chittor District.

2 The planning Officer, Tirupathi Urban Development

Authority, Tirupathi, Chittor District.

3 The District Collector,
Chittoor
4 District Revenue Officer, Tirupathi (Urban)
Tirupathi, Chittoor District.

5 2 CCs to G.P for Assignment, High Court Bldgs,Hyd.(OUT)

6 2 CD copies.